PATENT APPLICATION

ATTORNEY DOCKET NO. 10003127

P. O. Box 272400 LeFort Collins, Colorado 80527-2400

IN THE

UNITED STATES PATENT AND TRADEMARK OFFICE

itor(s):

David K. Umberger et al.

Confirmation No.: 6246

pplication No.: 09/757,269

Examiner: M. A. Banankhah

Filing Date:

01-08-2001

Group Art Unit: 2127

Title:

Sir:

SYSTEM AND METHOD FOR ADAPTIVE PERFORMANCE OPTIMIZATION OF DATA

PROCESSING SYSTEMS

Transmitted herewith is/are the following in the above-identified application:

Mail Stop Amendment **Commissioner for Patents** PO Box 1450 Alexandria, VA 22313-1450

Response/Amendment

RECEIVED

Petition to extend time to respond

SEP 0 3 2004

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT Technology Center 2100

		CLAIF				HER THAN A	SMALL	ENTI1		(fee \$_		
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT		(3) NUMBI EXTR	ER HIC	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR			(5) PRESENT EXTRA		(6) RATE	(7) ADDITIONAL FEES	
TOTAL CLAIMS	20		MINUS	s		20	=	0	×	\$18	\$	0
INDEP. CLAIMS	3		MINUS	s	3		=	0	х	\$86	\$	0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM +								\$290	\$	0		
EXTENSION FEE		1ST MONTH \$110.00	I -	ND MONT \$420.00	Н	3RD MON \$950.00			4TH MONTH \$1480.00		\$	0
							•		OTHER	FEES	\$	
				TO	TAL AI	DDITIONAL FE	E FOR	THIS A	MEND	DMENT	\$	0

to Deposit Account 08-2025. At any time during the pendency of this 0 application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

"Express Mail" label no. EV482734315US

Date of Deposit <u>09-01-2004</u>

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

Respectfully submitted,

David/K. Umberger et al.

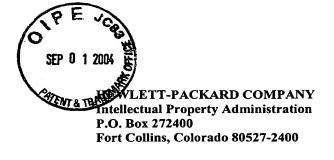
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Docket No.: 10003127-1 (PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

David K. Umberger et al.

Conf. No. 6246

Application No.: 09/757,269

Art Unit: 2127

Filed: January 8, 2001

Examiner: M. A. Banankhah

For: SYSTEM AND METHOD FOR ADAPTIVE

PERFORMANCE OPTIMIZATION OF DATA

PROCESSING SYSTEMS

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RESPONSE SEP 0 3 2004

Technology Center 2100

MS Amendment Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated June 1, 2004 (Paper No. 2), please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.